

Assembly Joint Resolution No. 83

RESOLUTION CHAPTER 132

Assembly Joint Resolution No. 83—Relative to special education funding.

[Filed with Secretary of State July 16, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 83, Daucher. Special education: federal funding.

This measure would memorialize the President and the Congress of the United States to provide the full federal share of funding for special education programs to the states so that this state and other states will not be required to take funding from other vital state and local programs to fund this underfunded federal mandate.

WHEREAS, Congress enacted the Education for All Handicapped Children Act of 1975 (P.L. 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities in the United States have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs, to ensure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and ensure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, California is committed to providing a free appropriate public education and related services to children and youth with disabilities, in order to meet their unique needs; and

WHEREAS, Since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, Congress continued the 40 percent funding authority in Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; and

WHEREAS, Although Congress has made progress toward this goal, the federal contribution still only amounts to approximately 20 percent of the average per pupil expenditure; and

WHEREAS, The 40 percent federal funding level would result in California receiving in excess of an additional \$1 billion annually; and

WHEREAS, The cost of special education in California requires school agencies to spend over \$1 billion annually in local general funds to make up the shortfall between the costs of special education and the level of funding provided by the state and federal governments; and

WHEREAS, Since 1997, the state has used federal special education funding increases to provide equity adjustments to school agencies consistent with the new special education funding model provided in Assembly Bill 602 of the 1997-98 Regular Session (Chapter 854 of the Statutes of 1997) and other special education augmentations; and

WHEREAS, The California Legislature is committed to the continued use of increases in federal funding for special education to recognize special education funding commitments made to local educational agencies; and

WHEREAS, The California Legislature is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to provide the full 40 percent federal share of funding for special education programs so that California and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education.

